

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE NO.5899 OF 2007
WRIT PETITION

M/s Innovassynth Technologies (India)
Ltd .. Petitioner

vs

Mr.Praful Anant Gaikwad & ors.. Respondents

Mr.P.C.Pavaskar for Petitioner

Mr.V.M.Parkar for Respondent no.1.

CORAM : Smt.Nishita Mhatre, J

DATED : 9th October, 2007

P.C.

1. The respondent-workman had filed a complaint before the Labour Court contending that his services had been wrongfully terminated on 17th April, 1996. A complaint was filed under Item 1 (b) (e) (f) and (g) of the Schedule IV of the M.R.T.U. and P.U.L.P. Act. The petitioner contended in its written statement that it had not terminated the services of the respondent-workman but, in fact he had tendered his resignation on 15th April, 1996. According to the petitioner, this resignation letter was witnessed by the office bearers of the trade union of which the 1st respondent was a member. The petitioner contended that in view of the letter of resignation dated 15th April, 1996 there was no question of the petitioner having terminated his services. Both the Labour Court and the Industrial Court in revision have held that the letter of resignation cannot be believed. The Labour Court has found that the deposition of the hand writing expert also did not throw any light on the letter of resignation. Both

the Courts below have found that services of the respondent-workman were terminated on 17th April, 1996 illegally and therefore the petitioner had committed unfair labour practice. Both the Labour Court and Industrial Court have held that the petitioner was unable to prove that the respondent-workman had resigned from services on 15th April, 1996. Significantly, the petitioner did not examine any of the office bearers who had witnessed the so called letter of resignation. These are findings of fact which need not be interfered with by this Court. There is no perversity in the findings recorded by the Courts below. Apart from this, the alleged letter of resignation which is Exhibit A to the petition does not disclose any date on which the letter was written. All these factors in my opinion, indicate that the petitioner has not been able to prove its case.

Petition rejected.

(Smt Nishita Mhatre, J)

